IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

Bail Appl..No. 7595 of 2007()

CRIME NO.46/07 OF RAILWAY POLICE STATION

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: PETITIONERS/ACCUSED

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1. GANESAN,S/O. DWARAISAMI,
   AGED 23 YEARS, DEVAKOTTAIL,
   SIVA GANGA DISTRICT, TAMIL NADU.

2. GANESH,S/O.GONGAPPAN,
   AGED 23 YEARS,KALAYAR KOVIL,
   PARUTHIKAMMAL, SIVAGANAGA DISTRICT,
   TAMIL NADU.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS: COMPLAINANT

STATE OF KERALA THROUGH THE
SUB INSPECTOR OF POLICE
RAILWAY POLICE STATION,REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. Nos. 7595 & 8011 OF 2007

Dated this the 10th day of January, 2008

ORDER

Applications for regular bail. The common petitioner faces allegations in two crimes - both of the Kannur Town Police Station, registered for the commission of the offence punishable under Sec.379 of the IPC. The crux of the allegations against the petitioner is that he, along with the co-accused, committed theft of two vehicle – one Tavera car and Qualis car on 3/12/07 and 7/11/07 respectively. The petitioner works as collection agent of a cable net work. In such capacity, he had access to many houses in the area. In pursuance of the common intention of the accused persons, the petitioner ascertained the houses where the cars were available and which could be thieved. He, along with the co-accused, proceeded to such houses and took path in the

operation to thieve the vehicles and took them out of the possession of the owners. He, along with the co-accused, so took the stolen vehicles away and the vehicles were disposed of by some of the co-accused. In one case, there are two accused persons and in the other, there are three accused persons. One of the accused remains to be arrested. The petitioner was arrested on 13/12/07. Investigation is in progress. The vehicles concerned have not been recovered yet.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent and, at any rate, he, who has remained in custody from 13/12/07, may now be enlarged on bail in both these cases.

3. The learned Public Prosecutor opposes the applications. The allegations are serious. Investigation is not complete. The vehicles concerned have not been traced yet. At this early stage of the investigation, the petitioner may not be enlarged on bail, it is prayed.

4. The Case Diaries have been placed before me for my perusal. I have perused the same. I have been taken through the relevant material. The confession statement of

the petitioner has also been perused. The sequence of events has been considered. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I agree with the learned Public Prosecutor that, at this early stage of the investigation, the petitioner does not deserve to be enlarged on bail. I shall carefully avoid any more detailed discussions on merits about the acceptability of the allegations or the credibility of the data collected. Suffice it to say that I am satisfied that there are satisfactory materials collected against the petitioner and the petitioner is not entitled to be enlarged on bail at this stage.

5. In the result, these bail applications are dismissed. But I may hasten to observe that the petitioner shall be at liberty to move this Court for bail again at a later stage of the investigation – not, at any rate, prior to 24/1/08. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT, JUDGE)

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